

**REMARKS**

Claims 9-14 and 27-32 are all the claims pending in the application. This Amendment amends claims 9 and 12, cancels claims 1-4 and 15-17, adds claims 27-32, and addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

Applicant thanks the Examiner for initialing the Information Disclosure Statement filed June 11, 2003.

Claims 9-17 have been rejected under 35 U.S.C. §§ 102(e) and 103(a).

Applicant has amended claim 9 to emphasize forming a current narrowing structure as a positive step. Applicant submits that such a step is neither taught nor suggested in Sverdlov, nor Sverdlov in view of Kamiyama.

Additionally, forming “a structure confining a light in a horizontal direction in parallel to a substrate, which was previously recited in the alternative on claim 9, is now recited as a positive limitation in new independent claim 27. Dependent claim 12 is amended to reconcile the language with the changes made to claim 9. No new matter is added.

Further distinguishing claims 12 and 30 is that the mask is formed after formation of the active layer. Specifically, claims 12 and 30 recite “forming *at least a first nitride-based semiconductor layer* comprising ... forming at least one nitride-based semiconductor layer including at least an active layer.” As described in independent claims 9 and 27, the mask is formed on said *at least a first nitride-based semiconductor layer*.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No. 09/161,981

Applicant raises this point in view of the Examiner's reasoning that a mask would be used to reduce dislocations caused by mismatch between the substrate and GaN layers. While minimizing dislocations in underlying layers may improve the performance of an active layer by minimizing optical defects in the active layer itself, it does not follow from the prior art that there would be any benefit to using a masking structure during formation of *later-formed* current narrowing structure.

In view of the amendments, reconsideration and withdrawal of the rejections under § 102 and § 103 are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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